

**BURGLARY OFFENSE AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark B. Madsen**

House Sponsor: Holly J. Richardson

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding elements of the offense of burglary.

**Highlighted Provisions:**

This bill:

► provides that the offense of burglary includes a person entering a building with the intent to commit any act of voyeurism, rather than the current element of intent to commit an act of voyeurism against a child younger than 14 years of age.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-202**, as last amended by Laws of Utah 2003, Chapter 325

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-6-202** is amended to read:

**76-6-202. Burglary.**

(1) An actor is guilty of burglary [~~if he~~] who enters or remains unlawfully in a building or any portion of a building with intent to commit:



- 28 (a) a felony;
- 29 (b) theft;
- 30 (c) an assault on any person;
- 31 (d) lewdness, a violation of Subsection 76-9-702(1);
- 32 (e) sexual battery, a violation of Subsection 76-9-702(3);
- 33 (f) lewdness involving a child, in violation of Section 76-9-702.5; or
- 34 (g) voyeurism [~~against a child~~] under [~~Subsection~~] Section 76-9-702.7[(2) or (5)].
- 35 (2) Burglary is a third degree felony [~~of the third degree~~] unless it was committed in a
- 36 dwelling, in which event it is a second felony [~~of the second degree~~].
- 37 (3) A violation of this section is a separate offense from any of the offenses listed in
- 38 Subsections (1)(a) through (g), and which may be committed by the actor while [~~he is~~] in the
- 39 building.

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**Legislative Review Note**  
**as of 1-17-11 11:59 AM**

**Office of Legislative Research and General Counsel**